

BOARD OF APPEALS CASE NO. 5114

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BEFORE THE

APPLICANT: ADA Properties, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Variances to locate a free-standing
sign within the required setbacks in a B2 District;
1326 Policy Drive, Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/20/00 & 12/27/00

HEARING DATE: January 31, 2001

Record: 12/22/00 & 12/29/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, ADA properties, is seeking a variance, pursuant to Section 219-5B of the Harford County Code, to allow a free-standing sign with less than the required 10 foot setback (4 feet proposed), and a variance, pursuant to Section 267-39B, Table XI, to allow a motel sign within 20 feet of an adjoining residential lot (4 feet proposed).

The subject property is located on the northwest corner of Policy Drive and Riverside Parkway within the Riverside Commercial Park and is more particularly identified on Tax map 62, Grid 1E, Parcel 818. The parcel consists of 3.15 acres more or less, is presently zoned B2/Community Business District and is entirely within the First Election District.

Mr. Pravin Patel appeared on behalf of ADA properties. Mr. Patel explained that there is a motel proposed for the subject parcel which will sit quite far off of the road and will be difficult to see from any road. In front of the proposed motel is an AMOCO, a Burger King and a Short Stop. To the right is a day care and to the left is Dalmatian Drive and further left are three-story townhouses. The motel sign is intended to be located at the entrance to the park and the drive to the motel. According to the witness there is no other location where the sign can be placed and still be seen from I-95 and remaining roads. Cars seeking the motel, without the sign location proposed, are likely to miss the entrance and continue to travel down Riverside Parkway to the elementary school. The witness felt that the panhandle configuration of the lot and the rearward placement of the motel rendered the property unique.

Case No. 5114 – ADA Properties, Inc.

Additionally, he felt that the inability to place a visible sign in an appropriate location would result in a hardship to the business. The witness did not believe there would be any adverse impact from the proposed sign location.

Mr. David Rudisill appeared and qualified as an expert engineer. Mr. Rudisill described the parcel as a panhandle configuration with the panhandle being a long driveway out to Riverside Parkway. The parcel share a storm water management facility with other businesses in the park and that facility greatly reduces the buildable area of the lot. According to the witness, most guests will be seeking the motel as they travel along I-95 and, in the opinion of the witness, the sooner they see the sign, the better. The proposed location serves the purposes for which a sign is intended. The witness pointed out that the adjoining residential property usage is a three-story townhouse community. The sign will be 200 feet from the nearest townhouse and will not, at the proposed location, be visible from anywhere in the residential complex.

Mr. Kevin Small appeared as an expert landscape architect and planner. Mr. Small further described the lot and the building locations and characterized the property as unique. Uniqueness, according to the witness is due to the panhandle configuration and the location of the building far back from the road. In the opinion of this witness, the proposed sign placement is the best possible location for showing motorists the best and shortest route to the motel and assists in directing these guests to the appropriate entrance. The witness also reviewed each of the Guides, Limitations and Standards set forth in Section 267-9I of the Harford County Code and found no material impacts related to the proposed sign location.

The Department of Planning and Zoning recommends approval of the subject request. There were no persons who appeared in opposition to the subject request.

CONCLUSION:

The Applicant is seeking two variances related to placement of a motel sign. First, a variance to Section 219-5B of the Harford County Code to allow a free-standing sign with less than the required 10 foot setback (4 feet proposed) and second, a variance from the requirements of Section 267-39B, Table XI, to allow a sign less than the required 20 feet from a residential lot (4 feet proposed).

Section 219-5 of the Harford County Sign Code provides:

“Freestanding signs. A freestanding sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be freestanding if the property has a minimum of forty (40) feet of road frontage. The sign area shall be calculated on the basis of one (1) square foot of sign for every foot of property road frontage. However, the maximum area of any freestanding sign shall not exceed two hundred (200) square feet. The setback measured to the edge of the sign shall be equal to one-third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is thirty-five (35) feet above the nearest public road grade.”

Section 267-39B provides:

“General regulations. Minimum lot area, area per family, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building height, as displayed in Tables X through XII, shall apply, subject to other requirements of this Part 1.

Two other sections of the Code are applicable and govern the determination of the Board regarding the location of signs:

Section 219-17 permits variances to the Sign Code and provides:

“The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

Section 267-11 provides:

Case No. 5114 – ADA Properties, Inc.

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

Based upon the testimony of the Applicant's representative, the Applicant's experts and the findings and recommendation of the Department of Planning and Zoning the Hearing Examiner finds that the property is unique; that the proposed location is the only practical one for location of the sign; that no detrimental impact to any other property will result from this sign at this location nor will the purposes of the Harford County Zoning Code or Sign Code be impaired.

The Hearing Examiner recommends approval of the subject request subject to the Applicant obtaining any and all necessary permits and inspections.

Date MARCH 12, 2001

**William F. Casey
Zoning Hearing Examiner**